

Mail Stop 8 TO: Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Western District of Michigan on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>1:11-cv-880</b>	DATE FILED <b>8/19/2011</b>	U.S. DISTRICT COURT Western District of Michigan - at Grand Rapids
PLAINTIFF <b>Cadence Pharmaceuticals, Inc., et al</b>		DEFENDANT <b>Paddock Laboratories, Inc., et al</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,028,222	2/22/00	<b>SCR Pharmatop</b>
2 6,992,218 B2	1/31/06	<b>Pharmatop SCR</b>
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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In the above—entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT  <b>Stipulation and Order of Dismissal (see attached document)</b>
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CLERK <b>TRACEY CORDES</b>	(BY) DEPUTY CLERK <b>By /s/ Paula J. Woods</b>	DATE <b>11/1/2011</b>
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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CADENCE PHARMACEUTICALS, INC.  
and SCR PHARMATOP,

Plaintiffs,

Case No. 1:11-cv-00880-JTN

v.

Hon. Janet T. Neff

PADDOCK LABORATORIES, INC.;  
PERRIGO COMPANY; PADDOCK  
LABORATORIES, LLC,

Defendants.

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Gardner, Linn, Burkhart & Flory, LLP  
Attorneys for the Plaintiffs  
2851 Charlevoix Drive, S.E.  
Suite 207  
P.O. Box 888695  
Grand Rapids, MI 49588-8695

Price Heneveld LLP  
Attorneys for the Defendants  
695 Kenmoor, S.E.  
P.O. Box 2567  
Grand Rapids, Michigan 49501

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**STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE**

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**WHEREAS** plaintiffs Cadence Pharmaceuticals, Inc. and SCR Pharmatop (“Plaintiffs”) and defendants Paddock Laboratories, Inc.; Perrigo Company; and Paddock Laboratories, LLC (“Defendants”) are the parties in the above-captioned patent infringement case;

**WHEREAS** in July 2011, defendant Paddock Laboratories, Inc. sent Cadence Pharmaceuticals, Inc. notice that it had filed an Abbreviated New Drug Application (“ANDA”) with the Food and Drug Administration seeking permission to market a generic version of

Cadence's patented drug product, OFIRMEV<sup>®</sup> and that its ANDA included a Paragraph IV certification against the OFIRMEV<sup>®</sup> patents;

**WHEREAS** Plaintiffs filed a complaint against Defendants (and other unrelated defendants) for patent infringement in the United States District Court for the District of Delaware;

**WHEREAS** Plaintiffs, subsequent to filing the Delaware action, filed the above-captioned patent infringement action;

**WHEREAS** on September 30, 2011 Defendants filed an answer and counterclaims in the Delaware action in which they agreed not to contest personal jurisdiction in Delaware with respect to that action only;

**WHEREAS** the parties have agreed to litigate the merits of the dispute in the first-filed action presently pending in the United States District Court for the District of Delaware, Civil Action No. 11-733;

**WHEREFORE** Plaintiffs by their attorneys Gardner, Linn, Burkhardt & Flory, LLP and Defendants by their attorneys Price Heneveld LLP hereby stipulate and agree that Plaintiffs' Complaint against Defendants shall be dismissed without prejudice, costs, or attorneys' fees to any party.

Dated: October 31, 2011

/s/Terence J. Linn

Terence J. Linn

Gardner, Linn, Burkhardt & Flory, LLP

2851 Charlevoix Drive, S.E., Suite 207

P.O. Box 888695

Grand Rapids, MI 49588-8695

Attorneys for Plaintiffs

Dated: October 31, 2011

/s/Matthew J. Gipson  
Matthew J. Gipson  
Price Heneveld LLP  
695 Kenmoor, S.E.  
P.O. Box 2567  
Grand Rapids, Michigan 49501  
616.949.9610  
Attorneys for Defendants

**ORDER**

At a session of this Court held in the United States District Court for the Western District of Michigan, Southern Division, State of Michigan, on this 31<sup>st</sup> day of October, 2011.

PRESENT: HONORABLE Janet T. Neff

In accordance with the above Stipulation,

IT IS SO ORDERED, the Complaint is hereby dismissed without prejudice, costs, or attorneys' fees to any party.

/s/ Janet T. Neff  
Hon. Janet T. Neff  
United States District Judge

Certified as a True Copy  
By [Signature] Deputy Clerk  
U. S. District Court  
Western Dist. of Michigan  
Date NOV 01 2011